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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RANDALL FOX,

14 Defendant.  
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Case No. CR16-100RSL

ORDER CONTINUING  
TRIAL AND SETTING  
CASE SCHEDULE

16 This matter comes before the Court on defendant's "Stipulated Motion for Case  
17 Scheduling Order." Dkt. # 243. Having considered the records and files herein, including Mr.  
18 Fox's waiver of his speedy trial rights and consent to a continuance up to and including April  
19 30, 2018, Dkt. # 242, the Court finds as follows:

20 1. On April 25, 2017, Mr. Fox moved to withdraw a previously entered plea of  
21 guilty, Dkt. # 190, which the Court granted, Dkt. # 205. On July 24, 2017, the Court issued an  
22 order continuing this case's trial date to December 4, 2017. Dkt. # 218. On November 6, 2017,  
23 the parties held a teleconference and agreed on a new trial date of April 2, 2018. Dkt. # 241.

24 2. On November 8, 2017, the parties filed a stipulated motion proposing a filing  
25 schedule, Dkt. # 243, and an accompanying speedy trial waiver by defendant in order to  
26 accommodate the agreed upon trial date of April 2, 2018, Dkt. # 242.  
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3. Failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

4. The ends of justice served by a continuance outweigh the best interests of the public and defendant in a more speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including April 30, 2018, Dkt. # 242, which will permit trial to start on April 2, 2018, per the parties' agreement.

IT IS HEREBY ORDERED that the trial date be continued from December 4, 2017, to April 2, 2018.

IT IS FURTHER ORDERED that the parties shall observe the following case schedule:

EVENT	DATE
Parties to file Proposed Jury Instructions	February 26, 2018
Parties to file all motions, including <i>motions in limine</i>	March 9, 2018
Parties to file Stipulations, Trial Briefs, Proposed Voir Dire, Witness Lists, Exhibit Lists, and Jencks/Rule 26.2 Disclosures	March 12, 2018

IT IS FURTHER ORDERED that the period of time from the current trial date of December 4, 2017, up to and including April 30, 2018, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

DATED this 14th day of November, 2017.

Mr S Casnik

Robert S. Lasnik  
United States District Judge